A/59/48

United Nations

Report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

First session
(1-5 March 2004)

General Assembly
Official Records
Fifty-ninth session
Supplement No. 48 (A/59/48)

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United Nations • New York, 2004

NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

CONTENTS

Chapter			*Paragraphs*	*Page*
I.	ORGANIZATIONAL AND OTHER MATTERS		1 - 9	5
	A.	States parties to the Convention	1	5
	B.	Opening of the session	2 - 3	5
	C.	Membership and attendance	4	5
	D.	Solemn declaration by members of the Committee	5	5
	E.	Election of officers	6	6
	F.	Organization of the work of the Committee	7	6
	G.	Future meetings of the Committee	8	6
	H.	Adoption of the report	9	6
II.	RELATIONS WITH PARTNERS		10 - 19	6
	A.	Meeting with States parties	10 - 11	6
	B.	Cooperation with other United Nations organs and departments	12 - 13	7
	C.	Meeting with the chairperson of the meeting of persons chairing the human rights treaty bodies	14	7
	D.	Meeting with ILO and other specialized agencies	15 - 17	7
	E.	Meeting with other concerned bodies	18	7
	F.	Related United Nations human rights activities	19	8
III.	REPORTS BY STATES PARTIES UNDER ARTICLE 73 OF THE CONVENTION		20	8

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CONTENTS (*continued*)

Annexes

I. States that have signed, ratified or acceded to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as at 5 March 2004

II. Membership of the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families

III. Submission of reports by States parties under article 73 of the Convention as at 5 March 2004

IV. Provisional rules of procedure of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

V. List of documents issued or to be issued in connection with the first session of the Committee

I. ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the Convention

1. On 5 March 2004, the closing date of the first session of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, there were 25 States parties to the International Convention on the Rights of All Migrant Workers and Members of their Families. The Convention was adopted by the General Assembly in resolution 45/158 of 18 December 1990 and entered into force on 1 July 2003, in accordance with the provisions of its article 87, paragraph 1. A list of States that have signed, ratified or acceded to the Convention is contained in annex I to the present report.

B. Opening of the session

2. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families held its first session at the United Nations Office at Geneva from 1 to 5 March 2004. The Committee held nine plenary meetings (CMW/C/SR.1-9). The provisional agenda contained in document CMW/C/2004/1 was adopted by the Committee at its 1st meeting.

3. The session was opened by the representative of the Secretary-General. At the 8th meeting, the Acting United Nations High Commissioner for Human Rights addressed the Committee.

C. Membership and attendance

4. In accordance with article 72 of the Convention, the First Meeting of the States Parties to the Convention was convened on 11 December 2003 at United Nations Headquarters. Ten members of the Committee were elected; the five members to serve for two-year terms were drawn by lot by the Chairman. The following persons were elected as members of the Committee: Francisco Alba (Mexico); José Serrano Brillantes (Philippines); Francisco Carrión-Mena (Ecuador); Ana Elizabeth Cubias Medina (El Salvador); Anamaría Dieguez (Guatemala); Ahmed Hassan El-Borai (Egypt); Abdelhamid El Jamri (Morocco); Arthur Shatto Gakwandi (Uganda); Prasad Kariyawasam (Sri Lanka); and Azad Taghizade (Azerbaijan). The list of the members of the Committee, together with an indication of the duration of their terms of office, appears in annex II to the present report. All the members attended the first session of the Committee.

D. Solemn declaration by members of the Committee

5. At the opening of the 1st meeting, on 1 March 2004, the 10 members of the Committee made the solemn declaration in accordance with rule 11 of the draft provisional rules of procedure of the Committee.

E. Election of officers

6. Also at its 1st meeting, the Committee elected the following officers for a term of two years in accordance with article 75 of the Convention:

Chairperson:	Mr. Prasad KARIYAWASAM (Sri Lanka)
Vice-Chairpersons:	Mr. José Serrano BRILLANTES (Philippines) Ms. Anamaría DIEGUEZ (Guatemala) Mr. Ahmed Hassan EL-BORAI (Egypt)
Rapporteur:	Mr. Francisco ALBA (Mexico).

F. Organization of the work of the Committee

7. The Committee discussed ways to organize its future work. In particular, it focused on rules of procedure, reporting guidelines (see paragraph 20 below) and possible ways to encourage wider ratification of the Convention. The Committee felt that, given its main responsibility to uphold the rights of migrants, migrants themselves constituted its major constituency. The text of the provisional rules of procedure as adopted by the Committee at its 8th meeting, on 4 March 2004, is contained in annex IV to the present report.

G. Future meetings of the Committee

8. Also at its 8th meeting, the Committee decided to request the Secretary-General to arrange two sessions for the Committee in 2005, one in July and one in October. Each session would be of one week's duration. This arrangement would replace a three-week session, which had been initially programmed in the budgetary estimates prepared before the establishment of the Committee, only for 2005. The sessions of the Committee will be held at the United Nations Office at Geneva.

H. Adoption of the report

9. At its 9th meeting, held on 5 March 2004, the Committee adopted its first annual report to the General Assembly.

II. RELATIONS WITH PARTNERS

A. Meeting with States parties

10. At its 1st meeting, the Committee held an informal meeting with States parties to the Convention. The meeting focused on working methods and the challenges faced by States parties in reporting to treaty bodies.

11. Several State representatives emphasized the importance of the Committee's meeting regularly and suggested that it should meet again in 2004. They also suggested that the Committee build on the experience of other treaty bodies in developing its reporting guidelines and rules of procedure and take into account the ongoing discussions relating to reform of the reporting procedures. Some underlined the importance of studying the link between the capacity of States to meet reporting obligations and technical assistance.

B. Cooperation with other United Nations organs and departments

12. On 2 March 2004, the Committee met with the Special Rapporteur of the Commission on Human Rights on the human rights of migrants, Gabriela Rodriguez Pizarro, and the Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights on the rights of non-citizens, David Weissbrodt. The Committee agreed that it would work with these mechanisms with regard to promoting ratification of the Convention.

13. During the session, the Committee received information on the work of the Office of the High Commissioner for Human Rights (OHCHR) from the directors of the respective branches and from the National Human Rights Institutions Unit. It also met with representatives of the United Nations Department of Public Information in Geneva.

C. Meeting with the chairperson of the meeting of persons chairing the human rights treaty bodies

14. At its 7th meeting, on 4 March 2004, the Committee met with the Chairperson of the Committee on the Rights of the Child, in his capacity as Chairperson of the fifteenth meeting of persons chairing the human rights treaty bodies. He provided the Committee with a wealth of information on the work of the Committee he chaired as well as on the outcome of the second inter-committee meeting, in particular with regard to the reform of the treaty body reporting process.

D. Meeting with ILO and other specialized agencies

15. At its 6th meeting, on 3 March 2004, the Committee met with representatives of the International Labour Organization (ILO). They discussed possible ways of cooperating, bearing in mind the prominent role the Convention reserves for ILO. The ILO representatives pledged their support to the Committee, in keeping with the practice already established with other United Nations human rights treaty bodies. It was agreed that as the Committee developed its methods of work, the interaction between the Committee and ILO would be examined to see how the Committee could best be supported by the various departments of ILO that deal with the issue of migrants.

16. At the same meeting, the Committee also met with the representatives of the International Organization for Migration (IOM), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Children's Fund (UNICEF), all of whom expressed support for the Committee and committed themselves to working with the Committee in the future.

17. During the meetings with the representatives of specialized agencies, mention was made of undertaking an analytical study of migration processes in the world, with a view to promoting greater ratification of the Convention.

E. Meeting with other concerned bodies

18. At its 7th meeting, on 4 March 2004, the Committee met with representatives of several non-governmental organizations (NGOs), including some of the members of the Steering Committee for the Global Campaign for the ratification of the Convention. It welcomed the

contribution made by civil society both during the elaboration of the Convention and later in the efforts undertaken for it to enter into force. The Committee expressed the hope that NGOs would continue to work with the Committee both on promoting the ratification of the Convention and by providing the Committee with information with regard to its reporting responsibilities. In this respect, the Committee encouraged NGOs to continue to work together in coalition wherever possible, in light of the excellent experience achieved by the NGO Group for the Convention on the Rights of the Child.

F. Related United Nations human rights activities

19. The Committee designated its Chairperson, Mr. Kariyawasam, and two of its members, Mr. Carrión-Mena, and Mr. Gakwandi, to participate in the third inter-committee meeting, to be held on 21 and 22 June 2004.

III. REPORTS BY STATES PARTIES UNDER ARTICLE 73 OF THE CONVENTION

20. The Committee noted that the reports of 22 States parties would become due on 1 July 2004. In this respect, it recalled the obligation that States parties had to submit reports. It encouraged States parties to comply with their reporting obligation under the Conventions by reference to the content of article 73 of the Convention, while committing itself to the development of future reporting guidelines within the context of the ongoing treaty reporting reform process. Annex III to the report contains a table showing the dates by which the initial reports of States parties should be submitted.

Annex I

STATES THAT HAVE SIGNED, RATIFIED OR ACCEDED TO THE INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES AS AT 5 MARCH 2004

State	Signature	Ratification or accession (a)
Azerbaijan		11 January 1999[a]
Bangladesh	7 October 1998	
Belize		14 November 2001[a]
Bolivia		16 October 2000[a]
Bosnia and Herzegovina		13 December 1996[a]
Burkina Faso	16 November 2001	26 November 2003
Cape Verde		16 September 1997[a]
Chile	24 September 1993	
Colombia		24 May 1995[a]
Comoros	22 September 2000	
Ecuador		5 February 2002[a]
Egypt		19 February 1993[a]
El Salvador	13 September 2002	14 March 2003
Ghana	7 September 2000	7 September 2000
Guatemala	7 September 2000	14 March 2003
Guinea		7 September 2000[a]
Guinea-Bissau	12 September 2000	
Kyrgyzstan		29 September 2003[a]
Mali		5 June 2003[a]
Mexico	22 May 1991	8 March 1999
Morocco	15 August 1991	21 June 1993
Paraguay	13 September 2000	
Philippines	15 November 1993	5 July 1995
Sao Tome and Principe	6 September 2000	
Senegal		9 June 1999[a]
Seychelles		15 December 1994[a]
Sierra Leone	15 September 2000	
Sri Lanka		11 March 1996[a]
Tajikistan	7 September 2000	8 January 2002
Timor-Leste		30 January 2004[a]
Togo	15 November 2001	
Turkey	13 January 1999	
Uganda		14 November 1995[a]
Uruguay		15 February 2001[a]

Annex II

MEMBERSHIP OF THE COMMITTEE ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

Name of the member	Country of nationality	Term expires on 31 December
Mr. Francisco ALBA	Mexico	2007
Mr. José Serrano BRILLANTES	Philippines	2005
Mr. Francisco CARRIÓN-MENA	Ecuador	2007
Ms. Ana Elizabeth CUBIAS MEDINA	El Salvador	2007
Ms. Anamaría DIEGUEZ	Guatemala	2005
Mr. Ahmed Hassan EL-BORAI	Egypt	2007
Mr. Abdelhamid EL JAMRI	Morocco	2007
Mr. Arthur Shatto GAKWANDI	Uganda	2005
Mr. Prasad KARIYAWASAM	Sri Lanka	2005
Mr. Azad TAGHIZADE	Azerbaijan	2005

Annex III

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 73 OF THE CONVENTION AS AT 5 MARCH 2004

State party	Type of report	Date due
Azerbaijan	Initial	1 July 2004
Belize	Initial	1 July 2004
Bolivia	Initial	1 July 2004
Bosnia and Herzegovina	Initial	1 July 2004
Burkina Faso	Initial	26 November 2004
Cape Verde	Initial	1 July 2004
Colombia	Initial	1 July 2004
Ecuador	Initial	1 July 2004
Egypt	Initial	1 July 2004
El Salvador	Initial	1 July 2004
Ghana	Initial	1 July 2004
Guatemala	Initial	1 July 2004
Guinea	Initial	1 July 2004
Kyrgyzstan	Initial	29 September 2004
Mali	Initial	1 July 2004
Mexico	Initial	1 July 2004
Morocco	Initial	1 July 2004
Philippines	Initial	1 July 2004
Senegal	Initial	1 July 2004
Seychelles	Initial	1 July 2004
Sri Lanka	Initial	1 July 2004
Tajikistan	Initial	1 July 2004
Timor-Leste	Initial	30 January 2005
Uganda	Initial	1 July 2004
Uruguay	Initial	1 July 2004

Annex IV

PROVISIONAL RULES OF PROCEDURE OF THE COMMITTEE ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

CONTENTS

Page

PART ONE. GENERAL RULES 16

I. SESSIONS

Rule

1. Meetings of the Committee 16
2. Regular sessions 16
3. Place of sessions 16
4. Notification of opening date of sessions 16

II. AGENDA 16

Rule

5. Provisional agenda for regular session 16
6. Adoption of the agenda 17
7. Revision of the agenda 17
8. Transmission of the provisional agenda 17

III. MEMBERS OF THE COMMITTEE 17

Rule

9. Beginning of term of office 17
10. Filling of casual vacancies 17
11. Solemn declaration 18

CONTENTS (*continued*)

		Page
IV.	OFFICERS	18
	Rule	
	12. Election of officers	18
	13. Conduct of elections	18
	14. Term of office of elected officers	19
	15 Functions of the Chairperson	19
	16. Acting Chairperson	19
	17. Replacement of officers	19
V.	SECRETARIAT	19
	Rule	
	18. Statements	19
	19. Financial implications of proposals	20
VI.	LANGUAGES	20
	Rule	
	20. Official and working languages	20
VII.	PUBLIC AND PRIVATE MEETINGS	20
	Rule	
	21. Public and private meetings	20
VIII.	DISTRIBUTION OF REPORTS AND OTHER OFFICIAL DOCUMENTS OF THE COMMITTEE	20
	Rule	
	22 Distribution of official documents	20

CONTENTS (*continued*)

		Page
IX.	CONDUCT OF BUSINESS	20
	Rule	
	23. Quorum	20
	24. Powers of the Chairperson	21
	25. Adoption of decisions	21
	26. Voting	21
X.	PARTICIPATION OF SPECIALIZED AGENCIES AND OTHER UNITED NATIONS BODIES, INTERGOVERNMENTAL ORGANIZATIONS AND OTHER CONCERNED BODIES	22
	Rule	
	27. International Labour Office	22
	28. Submission of information, documentation and written statements by other bodies	22
XI.	ANNUAL REPORT OF THE COMMITTEE	22
	Rule	
	29. Annual report	22
PART TWO.	RULES RELATING TO THE FUNCTIONS OF THE COMMITTEE	23
XII.	REPORTS FROM STATES PARTIES UNDER ARTICLE 73 OF THE CONVENTION	23
	Rule	
	30. Submission of reports	23
	31-2. Consideration of reports	23
XIII.	PROCEDURE FOR THE CONSIDERATION OF COMMUNICATIONS RECEIVED UNDER ARTICLE 76 OF THE CONVENTION	23

CONTENTS (*continued*)

		Page
XIV.	PROCEDURE FOR THE CONSIDERATION OF COMMUNICATIONS RECEIVED UNDER ARTICLE 77 OF THE CONVENTION	23
PART THREE.	RULES RELATING TO INTERPRETATION	24
XV.	INTERPRETATION	24
	Rule	
	33. Headings	24
	34. Amendments	24

PART ONE. GENERAL RULES

I. SESSIONS

Meetings of the Committee

Rule 1

The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (hereinafter referred to as "the Committee") shall hold meetings as may be required for the satisfactory performance of its functions in accordance with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (hereinafter referred to as "the Convention").

Regular sessions

Rule 2

1. The Committee shall normally meet annually.

2. Regular sessions of the Committee shall be convened at dates decided by the Committee in consultation with the Secretary-General of the United Nations (hereinafter referred to as "the Secretary-General"), taking into account the calendar of conferences as approved by the General Assembly.

Place of sessions

Rule 3

Sessions of the Committee shall normally be held at the United Nations Office at Geneva. Another venue for a session may be designated by the Committee in consultation with the Secretary-General, taking into account the relevant rules of the United Nations.

Notification of opening date of sessions

Rule 4

The Secretary-General shall notify the members of the Committee of the date and place of the first meeting of each session as early as possible.

II. AGENDA

Provisional agenda for regular session

Rule 5

The provisional agenda of each session shall be prepared by the Secretary-General in consultation with the Chairperson of the Committee.

Adoption of the agenda

Rule 6

The first item on the provisional agenda of any session shall be the adoption of the agenda, unless the election of officers is required under Rule 12, in which case the elections shall be the first item on the provisional agenda.

Revision of the agenda

Rule 7

During a session, the Committee may revise the agenda and may, as appropriate, defer or delete items.

Transmission of the provisional agenda

Rule 8

The provisional agenda shall be transmitted to the members of the Committee by the Secretariat as early as possible.

III. MEMBERS OF THE COMMITTEE

Beginning of term of office

Rule 9

The term of office of the members of the Committee shall begin on 1 January of the year after the date of their election and, in accordance with article 73, paragraph 5 of the Convention, shall expire on 31 December four years later, except for those members elected at the first election and the first election following the entry into force of the Convention for the forty-first State party who was chosen by lot to serve for two years whose terms shall expire on 31 December two years after their election.

Filling of casual vacancies

Rule 10

1. In accordance with article 72, paragraph 6, of the Convention, if a member of the Committee dies or resigns or declares for any other cause that he or she can no longer perform his or her duties as a member of the Committee, the Secretary-General shall immediately request the State party that nominated the expert to appoint within two months another expert from among its own nationals for the remaining part of the term. The new appointment is subject to the approval of the Committee.

2. The Committee shall be asked to approve the appointment of the replacement member in writing when the Committee is not in session. The name and curriculum vitae of the expert so

appointed shall be transmitted by the Secretary-General to the Committee for approval. Upon approval of the expert by the Committee, the Secretary-General shall notify the States parties of the name of the member of the Committee filling the casual vacancy.

3. Where the Committee declines to approve the appointment of a replacement under the first paragraph of this rule, the State party that nominated the expert shall be invited to appoint another expert from among its own nationals.

4. Except in the case of a vacancy arising from a member's death or disability, the Secretary-General shall act in accordance with the provisions of paragraph 1 of the present rule only after receiving, from the member concerned, a written declaration of his or her decision to cease to function as a member of the Committee.

Solemn declaration

Rule 11

Before assuming her/his duties after her/his first election, each member of the Committee shall make the following solemn declaration in open Committee:

> "I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families honourably, faithfully, impartially and conscientiously."

IV. OFFICERS

Election of officers

Rule 12

1. The Committee shall elect from among its members a Chairperson, three Vice-Chairpersons and a Rapporteur; these officers together shall constitute the Bureau of the Committee, which shall meet regularly.

Conduct of elections

Rule 13

1. Where there is only one candidate for election of one of its officers, the Committee may decide to elect that person by acclamation.

2. Where there are two or more candidates for election as one of its officers, or where the Committee otherwise decides to proceed with a ballot, the person who obtains a simple majority of the votes cast shall be elected.

3. If no single candidate receives a majority of the votes cast, the members of the Committee shall endeavour to reach a consensus before holding a further ballot.

4. Elections shall be held by secret ballot.

Term of office of elected officers

Rule 14

1. In accordance with article 75, paragraph 2, of the Convention, officers shall be elected for a term of two years.

2. No officer of the Committee may hold office if he or she ceases to be a member of the Committee.

Functions of the Chairperson

Rule 15

1. The Chairperson shall perform the functions conferred upon her/him by the Committee and by these rules of procedure.

2. In exercising her/his functions as Chairperson, the Chairperson shall remain under the authority of the Committee.

Acting Chairperson

Rule 16

1. If, during a session, the Chairperson is unable to be present at a meeting or any part thereof, he or she shall designate another member of the Bureau, to act in her or his place.

2. Any member acting as Chairperson shall have the same powers and duties as the Chairperson.

Replacement of officers

Rule 17

If any of the officers of the Committee ceases to serve or declares her/his inability to continue serving as a member of the Committee or for any reason is no longer able to act as an officer, a new officer shall be elected for the unexpired term of her/his predecessor.

V. SECRETARIAT

Statements

Rule 18

The Secretary-General or her/his representative shall attend all meetings of the Committee and, subject to Rule 24 of the present rules, may make oral or written statements at those meetings.

Financial implications of proposals

Rule 19

Before any proposal which involves expenditures is approved by the Committee, the Secretary-General shall prepare and circulate to its members, as early as possible, a written estimate of the cost involved in the proposal. It shall be the duty of the Chairperson to draw the attention of members to this estimate and to invite discussions on it when the proposal is considered by the Committee.

VI. LANGUAGES

Official and working languages

Rule 20

1. Arabic, Chinese, English, French, Russian and Spanish shall be the official languages of the Committee.

2. All formal decisions of the Committee shall be issued in the official languages.

VII. PUBLIC AND PRIVATE MEETINGS

Public and private meetings

Rule 21

The meetings of the Committee shall be held in public, unless the Committee decides otherwise.

VIII. DISTRIBUTION OF REPORTS AND OTHER OFFICIAL DOCUMENTS OF THE COMMITTEE

Distribution of official documents

Rule 22

Documents of the Committee shall be documents for general distribution, unless the Committee decides otherwise.

IX. CONDUCT OF BUSINESS

Quorum

Rule 23

Six members of the Committee shall constitute a quorum for the adoption of formal decisions. When the number of members of the Committee rises to 14 in accordance with article 72, paragraph 2 (a), of the Convention, 8 members of the Committee shall constitute a quorum.

Powers of the Chairperson

Rule 24

1. The Chairperson, in accordance with these rules, shall control the proceedings of the Committee and ensure the maintenance of order at its meetings. She or he shall ensure that the Committee proceeds with its work efficiently, including through limiting time allowed to speakers.

2. The Chairperson shall rule immediately on points of order, which may be raised by a member at any time during the discussion. A member raising a point of order may not speak on the substance of the matter under discussion.

3. The Chairperson may call a speaker to order if his or her remarks are not relevant to the subject under discussion.

4. The Chairperson may propose to the Committee to adjourn or close the debate, or to suspend or adjourn the meeting.

5. Any member may request that a decision regarding the conduct of the Committee's business be immediately put to the vote.

Adoption of decisions

Rule 25

1. The Committee shall attempt to reach all of its decisions by consensus. If consensus cannot be reached, decisions shall be put to a vote.

2. Bearing in mind paragraph 1 above, the Chairperson at any meeting may, and at the request of any member shall, put the proposal to a vote.

Voting

Rule 26

1. Each member of the Committee shall have one vote.

2. Any proposal or motion put to the vote shall be adopted by the Committee if it has the support of a simple majority of the members present and voting. For the purpose of these rules, "members present and voting" means all members casting an affirmative or negative vote; members who abstain from voting are considered as not voting.

X. PARTICIPATION OF SPECIALIZED AGENCIES AND OTHER UNITED NATIONS BODIES, INTERGOVERNMENTAL ORGANIZATIONS AND OTHER CONCERNED BODIES

International Labour Office

Rule 27

1. In accordance with article 74, paragraph 2, of the Convention, the Secretary-General of the United Nations shall, in due time before the opening of each regular session of the Committee, transmit to the Director-General of the International Labour Office copies of the reports submitted by States parties concerned and information relevant to the consideration of these reports in order to enable the Office to assist the Committee with the expertise the Office may provide regarding those matters dealt with by the Convention and falling within the sphere of competence of the International Labour Organization. The Committee shall consider in its deliberations such comments and materials as the Office may provide.

2. In accordance with article 74, paragraph 5, of the Convention, the Committee shall invite the International Labour Office to appoint representatives to participate, in a consultative capacity, in the meetings of the Committee.

Submission of information, documentation and written statements by other bodies

Rule 28

In accordance with article 74, paragraph 4, of the Convention, the Committee may invite specialized agencies and organs of the United Nations, as well as intergovernmental organizations and other concerned bodies (including national human rights institutions, non-governmental organizations, and other bodies), to submit, for consideration by the Committee, written information on such matters dealt with in the Convention as fall within the scope of their activities.

XI. ANNUAL REPORT OF THE COMMITTEE

Annual report

Rule 29

1. In accordance with article 74, paragraph 7, of the Convention, the Committee shall submit an annual report on the implementation of the Convention to the General Assembly, containing its considerations and recommendations, based, in particular, on the examination of the reports and any observations presented by States parties.

2. In accordance with article 74, paragraph 8, of the Convention, the Secretary-General shall transmit the annual reports of the Committee to the States parties to the present Convention, the Economic and Social Council, the Commission on Human Rights, the Director-General of the International Labour Office and other relevant organizations.

PART TWO. RULES RELATING TO THE FUNCTIONS OF THE COMMITTEE

XII. REPORTS FROM STATES PARTIES UNDER ARTICLE 73 OF THE CONVENTION

Submission of reports

Rule 30

The Committee may adopt guidelines regarding the form and contents of the reports to be submitted under article 73 of the Convention.

Consideration of reports

Rule 31

1. The Committee shall consider reports, submitted by States parties under article 73 of the Convention, in accordance with the procedure set out in article 74 of the Convention.

2. The Committee may adopt more detailed rules of procedure relating to the submission and consideration of reports submitted by States parties under the Convention.

Rule 32

No member of the Committee shall participate in the examination of State party reports or the discussion and adoption of concluding observations if they involve the State party in respect of which she or he was elected to the Committee.

XIII. PROCEDURE FOR THE CONSIDERATION OF COMMUNICATIONS RECEIVED UNDER ARTICLE 76 OF THE CONVENTION

Since the procedure under article 76 of the Convention has not yet entered into force, the Committee will consider rules relating to it at a later stage.

XIV. PROCEDURE FOR THE CONSIDERATION OF COMMUNICATIONS RECEIVED UNDER ARTICLE 77 OF THE CONVENTION

Since the procedure under article 77 of the Convention has not yet entered into force, the Committee will consider rules relating to it at a later stage.

PART THREE. RULES RELATING TO INTERPRETATION

XV. INTERPRETATION

Headings

Rule 33

For the purpose of interpretation of these rules, the headings, which were inserted for reference purposes only, shall be disregarded.

Amendments

Rule 34

The rules of procedure may be amended by a decision of the Committee, without prejudice to the relevant provisions of the Convention.

Annex V

LIST OF DOCUMENTS ISSUED OR TO BE ISSUED IN CONNECTION WITH THE FIRST SESSION OF THE COMMITTEE

CMW/C/2004/1	Agenda
CMW/C/L.1	Provisional rules of procedure
CMW/C/SR1-9	Summary records of the first session of the Committee (to be issued)